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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/705)]

46/106. Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of the Office of the High Commissioner, 1/ as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of its forty-second session, 2/ and taking note of the statement made by the High Commissioner on 7 November 1991, 3/

Recalling its resolutions 45/140 A and B of 14 December 1990,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, as well as the fundamental importance of the High Commissioner's international protection function and the need for States to cooperate with the High Commissioner in the exercise of this primary and essential responsibility,

Welcoming the High Commissioner's commitment to address refugee situations through a threefold strategy consisting of the enhancement of the emergency preparedness and response mechanisms of the Office of the High Commissioner, the concerted pursuit of the preferred durable solution of voluntary repatriation and the promotion of solutions through preventive measures,

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1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 12 (A/46/12).

2/ Ibid., Supplement No. 12A (A/46/12/Add.1).

3/ See A/C.3/46/SR.34.

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Noting with satisfaction that one hundred and nine States are now parties to the 1951 Convention 4/ and/or the 1967 Protocol 5/ relating to the Status of Refugees,

Welcoming the valuable support extended by Governments to the Office of the High Commissioner in the discharge of its humanitarian tasks,

Bearing in mind that the relationship between human rights and refugee flows merits further consideration,

Noting with concern that despite developments that offer hope for solutions to refugee problems, the number of refugees and displaced persons of concern to the Office of the High Commissioner has increased and their protection continues to be seriously jeopardized in many situations as a result of non-admission, expulsion, refoulement and unjustified detention, as well as other threats to their physical security, dignity and well-being, and lack of respect for fundamental human rights,

Welcoming the commitment of the Office of the High Commissioner to improving the situation of refugee women and children, who represent the majority of refugee populations and who, in many cases, are exposed to a variety of difficult situations affecting their physical and legal protection, as well as their psychological and material well-being,

Conscious of the link between international protection and resettlement as an instrument of protection and of the need for the international community to continue to provide adequate resettlement places for those refugees for whom no other durable solution is in sight,

Commending those States that, despite severe economic and development challenges of their own, continue to admit large numbers of refugees and displaced persons of concern to the Office of the High Commissioner into their territories, and emphasizing the need to share the burden of these States to the maximum extent possible through international assistance, including development-oriented assistance,

Commending the Office of the High Commissioner and its staff for the dedicated manner in which they discharge their responsibilities, and paying special tribute to those staff members who have lost their lives in the course of their duties,

1. Strongly reaffirms the fundamental nature of the function of the Office of the United Nations High Commissioner for Refugees to provide international protection and the need for States to cooperate fully with the Office in fulfilling this function, in particular by acceding to and fully and effectively implementing the relevant international and regional refugee instruments;

2. Recognizes the need to keep issues related to refugees, asylum-seekers and other migratory flows firmly on the international political agenda, especially the question of solution-oriented approaches to deal with today's refugee problems;

4/ United Nations, Treaty Series, vol. 189, No. 2545.

5/ Ibid., vol. 606, No. 8791.

3. Recognizes also that the current size and complexity of the world refugee situation require vigorous promotion of existing protection principles, as well as full and open debate on new directions for protection and on further development of the law in this area, paying particular attention to the responsibilities of States to resolve refugee situations and, especially with respect to countries of origin, to address and try to eradicate causes of refugee flows;

4. Calls upon all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or expelling refugees and asylum-seekers contrary to the fundamental prohibitions against these practices, and urges States to ensure fair and efficient determination procedures and to continue to give humane treatment and to grant asylum to refugees;

5. Condemns all violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks against refugee camps and settlements and forced recruitment into armed forces;

6. Recognizes that growing misuse of asylum procedures could compromise the institution of asylum and the maintenance of fair and efficient refugee status determination procedures, and endorses the general conclusion on international protection, in particular in relation to refugee status determination, adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its forty-second session; 6/

7. Endorses the conclusion on refugee children adopted by the Executive Committee of the Programme of the High Commissioner at its forty-second session, 7/ including the decision to establish a new post of coordinator for refugee children within the Office of the High Commissioner;

8. Commends the High Commissioner on the Guidelines on the Protection of Refugee Women, 8/ which provide a practical means of ensuring the protection of refugee women, including the delivery of appropriate assistance programmes, and calls upon States, relevant agencies of the United Nations system and other organizations, whether governmental, intergovernmental or non-governmental, to implement the Guidelines;

9. Stresses the overriding importance of attaining durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements, and calls upon the High Commissioner actively to explore new options for preventive strategies that are consistent with protection principles, as well as ways in which State responsibility and burden-sharing mechanisms might be strengthened;

6/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 12A (A/46/12/Add.1), para. 21.

7/ Ibid., para. 25.

8/ See document EC/SCP/67, annex, of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

10. Underlines strongly State responsibility, particularly as it relates to the countries of origin, including addressing root causes, facilitating voluntary repatriation of refugees and the return, in accordance with international practice, of their nationals who are not refugees;

11. Urges all States and relevant organizations to support the Office of the High Commissioner in its efforts to search for durable solutions to the problem of refugees and displaced persons of concern to the Office, primarily through voluntary repatriation;

12. Acknowledges that at present there are important opportunities for resolving long-standing refugee situations and welcomes the intention of the High Commissioner to reinforce the efforts of the Office to encourage and promote voluntary repatriation of refugees and their safe reintegration in the countries of origin;

13. Recognizes the importance of pursuing resettlement as a last resort where no other durable solutions are available and the need for States to respond rapidly and with flexibility to evolving situations where resettlement is required to ensure the protection of the refugees concerned;

14. Welcomes the initiatives taken by the High Commissioner to enhance the capacity of the Office to respond to emergencies and, taking into account current deliberations on a United Nations system-wide response, encourages the High Commissioner to continue to work closely with other United Nations agencies, as well as other organizations, whether governmental, intergovernmental or non-governmental, to assure a coordinated and effective response to emergency humanitarian situations of a complex and protracted nature, and calls upon Governments to assist in implementing these initiatives;

15. Endorses the decision of the Executive Committee of the Programme of the High Commissioner at its forty-second session concerning inter-agency cooperation 9/ and calls upon the High Commissioner to sustain her efforts in this area so that the multifaceted needs of refugees, returnees, displaced persons and their host communities might be better addressed, in particular through development initiatives by relevant United Nations agencies and programmes;

16. Expresses deep appreciation for the valuable material and humanitarian response of receiving countries, in particular those developing countries that, despite limited resources, continue to admit large numbers of refugees and asylum-seekers on a permanent or temporary basis;

17. Urges the international community, including non-governmental organizations, in accordance with the principle of international solidarity and in the spirit of burden-sharing, to continue to assist the countries referred to in paragraph 16 above and the High Commissioner in order to enable them to cope with the additional burden that the care for refugees and asylum-seekers represents;

9/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 12A (A/46/12/Add.1), para. 33.

18. Calls upon all Governments and other donors to contribute to the High Commissioner's programmes and, taking into account the need to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are met.

74th plenary meeting
16 December 1991